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Security Council

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in the Sudan

1. At its 20th meeting, on 24 February 2009, the Working Group examined the report of the Secretary-General on children and armed conflict in the Sudan (S/2009/84), introduced by the Special Representative of the Secretary-General. The Permanent Representative of the Sudan participated in the subsequent discussion.

2. The main elements of the exchange of views among the members of the Working Group are summarized below.

3. The members of the Working Group welcomed the submission of the report of the Secretary-General in accordance with Security Council resolution 1612 (2005), and the recommendations contained therein met with a generally favourable response.

4. Grave concern was expressed about the persistence of widespread violations and serious abuses committed against children in the situation of armed conflict in the Sudan, in particular in Darfur.

5. Concern was also expressed about the level and nature of rape and other sexual violence reported by the Secretary-General.

6. In particular, members stressed the need for safe, effective, full, unimpeded and secure humanitarian access to children.

7. Members of the Working Group expressed their concern about the fact that, after their release, many children return to the conflict owing to a lack of livelihood opportunities.

8. Members of the Working Group welcomed steps taken by the Government of National Unity and the Government of Southern Sudan to adopt legislation for the protection of children, the establishment of protection modalities in the police force and the focus on children in the national disarmament, demobilization and reintegration process.

9. Members of the Working Group reiterated the importance of the full and effective implementation of Security Council resolution 1828 (2008), the Darfur Peace Agreement and subsequent commitments, including the "Agreement of goodwill and confidence-building for settlement of the problem in Darfur", signed

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by the Government of the Sudan and the Justice and Equality Movement in Doha on 17 February 2009, in the framework of the Sirte peace process.

10. Members of the Working Group stressed the importance of finding a political solution to the conflict in the Sudan in order to improve the current situation of children.

11. Members of the Working Group called upon all parties to the conflict to implement the conclusions and recommendations of the Working Group as contained in documents S/2006/971 and S/AC.51/2008/7.

12. The representative of the Sudan:

(a) Commented that the report of the Secretary-General should rely on impartial and objective sources and take into account the views of interested States, in accordance with Security Council resolution 1612 (2005);

(b) Characterized the report as stereotyped, in the manner of many United Nations political reports on the Sudan, and stated that the method of preparing the report was diffuse and that it went beyond the mandate related to the topic of children in armed conflict;

(c) Expressed concern that the report was often not backed by accurate information and drew general conclusions, such as in the case of sexual violence;

(d) Expressed deep regret that the report of the Secretary-General, in his opinion, was not accurate or objective and did not have reliable information, and also expressed in particular that rape and other sexual violence were not a problem in the Sudan;

(e) Expressed the view that the main parties that recruit children in Darfur are armed movements that use children as soldiers and that the Justice and Equality Movement was at the top of the list;

(f) Indicated the willingness of the Government of the Sudan to continue its cooperation with the mechanisms in the field of child protection and the steps taken by the Government of the Sudan in this regard, which included legislative measures and the efforts of the National Council for Child Care in the framework of child rights awareness and implementation of cooperation programmes with the United Nations Children's Fund (UNICEF) and other partners in the domain of child protection.

13. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolution 1612 (2005), the Working Group agreed to the direct action below.

Public statement issued by the Chairperson of the Working Group

14. The Working Group agreed to address a message to all parties to the armed conflict in the Sudan, in particular those groups mentioned in the report of the Secretary-General, through a public statement by its Chairperson on behalf of the Working Group:

(a) *Strongly condemning* the continuous recruitment and use of children by armed forces and armed groups;

(b) *Strongly condemning* the killing and maiming of children, rape and other grave sexual violence and other violations and abuses committed against children in the Sudan by all parties;

(c) *Strongly condemning*, in this regard, the use of a large number of children by the Justice and Equality Movement in its attack on Omdurman in May 2008;

(d) *Urging* all parties:

(i) To comply fully with international humanitarian law by, inter alia, putting an immediate end to targeting of the civilian population, including children, and by recognizing and respecting the civilian status, neutrality and safety of schools, medical facilities, religious institutions, refugee camps and settlements of internally displaced persons, including their personnel;

(ii) To fulfil without any further delay their commitments concerning the protection of children, to immediately end the recruitment and use of children, to release all children still present within their ranks in a manner that allows effective verification by the United Nations Task Force on Monitoring and Reporting and to develop as soon as possible a time-bound action plan in line with Security Council resolutions 1539 (2004) and 1612 (2005);

(iii) To put an end to and prevent the perpetration of rape and other sexual violence by members of their respective groups and to bring those responsible to justice, as well as to give support and assistance to victims of sexual violence;

(iv) To allow full, unimpeded and secure access for humanitarian assistance to children by humanitarian organizations;

(e) *Emphasizing*:

(i) That the full implementation of an action plan in line with Security Council resolutions 1539 (2004) and 1612 (2005), confirmed by the United Nations Task Force on Monitoring and Reporting, is a step to take for a party to conflict to be de-listed from the annexes to the reports of the Secretary-General on children and armed conflict;

(ii) That the Working Group will closely monitor, through the reports of the Secretary-General on children and armed conflict, compliance with Security Council resolution 1612 (2005) by all parties in situations of armed conflict listed in the annexes to the reports of the Secretary-General on children and armed conflict, until there is a complete release of children associated with them and full implementation of action plans, recalling the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles);

(iii) That further steps will be considered against armed groups if they do not abide by their obligations under applicable international law with respect to children and armed conflicts.

Recommendations to the Security Council

15. The Working Group agreed to recommend that the President of the Security Council address letters:

To the Government of National Unity

(a) *Recalling* previous letters based on the Working Group's conclusions on the situation of children and armed conflict in the Sudan, in which it urged the Government of National Unity, inter alia, to take several measures in order to prevent and address the recruitment and use of children by armed forces and armed groups, prevent the killing and maiming of civilians, including children, tackle gender-based violence, fight impunity, improve security and facilitate the work of United Nations agencies and civil society organizations;

(b) *Welcoming*:

(i) The strengthening of the national legislative framework for the protection of children, including through adoption of the Sudan Armed Forces Act and the Southern Sudan Child Act as steps in the right direction towards international child protection standards;

(ii) Steps taken at the national, regional and local levels, in partnership with the United Nations, in order to improve child protection and address abuses, such as:

a. The establishment of a joint coordination mechanism between the Government of National Unity and the United Nations on matters related to children in armed conflict;

b. The organization of training and capacity-building activities throughout the territory, such as launching a comprehensive child protection awareness campaign, establishing family and child police units in all states of northern Sudan and training sessions on child protection and justice for children for Government officials, military and security personnel;

(iii) The development by the northern and southern Sudan disarmament, demobilization and reintegration commissions of a joint national reintegration strategy for children associated with armed forces and groups, which will provide a common approach for child reintegration throughout the country, as well as for the disarmament, demobilization and reintegration process for children in Darfur launched in June 2008;

(iv) Actions taken, in particular by ceasefire institutions, to address issues related to violations and abuses against children, including child recruitment;

(c) *Expressing deep concern* about:

(i) The continuing reports concerning the presence of children in the Sudanese Armed Forces, the Sudan People's Liberation Army and armed groups under their control and/or aligned with either of the above;

(ii) The killing and maiming of civilians in violation of international humanitarian law, in particular children, as a result of military operations;

(iii) The high number of grave violations and abuses as reported by the Secretary-General committed against children in the Sudan, including

persistent patterns of rape and other sexual violence, mostly committed against girls, abductions and attacks against schools, especially in Darfur, and the limited number of cases in which perpetrators are brought to justice;

(d) *Urging* the Government of National Unity:

(i) To immediately end the recruitment and use of children in their armed forces, in accordance with their obligations under international law as well as relevant national legislation;

(ii) To actively identify and release all children associated with their armed forces without delay, in the framework of Security Council resolutions 1539 (2004) and 1612 (2005), and to develop the action plans referred to therein, recalling the Paris Principles;

(iii) To make all efforts to protect civilians, including children, through strict adherence to the principles of distinction and proportionality in the conduct of hostilities;

(iv) To adopt as a matter of priority a comprehensive strategy to address sexual violence, which may include, inter alia, strengthening the capacity and coverage of the family and child protection units of the police, rigorous investigation and prosecution of such violations to address impunity, greater support for prevention initiatives and support to victims of sexual violence and the continuation of training and capacity-building of police and judicial officials and social workers on issues related to sexual violence;

(v) To rigorously investigate and prosecute the perpetrators of violent attacks against humanitarian workers;

(vi) To provide humanitarian assistance to the civilian population, including children, and to continue to facilitate safe, effective and unimpeded access to humanitarian assistance;

(vii) To continue to facilitate the implementation of child protection mandates of United Nations personnel;

(viii) To implement the national laws and international obligations derived from the Convention on the Rights of the Child that prohibit the death penalty of any person below the age of eighteen, if this penalty exists, in all of its jurisdictions and regardless of the offence;

(ix) To take all necessary actions in order to follow up the recommendations previously made by the Working Group and addressed to the Government of National Unity in previous letters from the President of the Security Council;

(e) *Encouraging* it, with the support of the United Nations, as appropriate:

(i) To prepare directives and programmes of action to implement the national legislative framework for the protection of children, including the Sudan Armed Forces Act and the Southern Sudan Child Act;

(ii) To accelerate through its disarmament, demobilization and reintegration commissions, the release of children associated with armed forces and groups and to establish the requisite services for their reintegration as well as to integrate the issue of children throughout their operational frameworks and guidelines;

To the Security Council

(f) *Recommending* that the issue of the situation of children in armed conflicts continue to be taken into account during considerations of the situation in the Sudan, taking also into consideration the conclusions of the Working Group in this regard;

(g) *Recommending* that child protection issues be fully taken into account in the mandate of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and the United Nations Mission in the Sudan (UNMIS);

To the Secretary-General

(h) *Welcoming* his recommendation to UNAMID, UNMIS and UNICEF (United Nations Task Force on Monitoring and Reporting) to facilitate the preparation and implementation of action plans, including by entering into dialogue whenever possible with all parties to the conflict, in accordance with Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009), and to follow up and report on this aspect as well as on specific commitments to address other grave violations and abuses as reported by the Secretary-General;

(i) *Inviting* him to continue strengthening the United Nations Task Force on Monitoring and Reporting, to liaise, as appropriate, with relevant national institutions, non-governmental organizations and civil society networks, and to ensure effective collaboration and coordination of child protection activities;

(j) *Also inviting* him to facilitate, given the regional dimension of the crisis involving the Sudan, the Central African Republic and Chad and the other grave implications for children, a better exchange of information and closer cooperation between respective United Nations country teams and peacekeeping missions on child protection issues;

(k) *Further inviting* him to promote dialogue among relevant stakeholder organizations, aiming at enhancing child protection and the prevention of child recruitment in the region, including in terms of cross-border issues;

(l) *Requesting* him to ask his Special Representative for Children and Armed Conflict, based on her follow-up visit to the Sudan, to assess the situation of children, to facilitate dialogue with the parties to the conflict, to continue with the usual practice of holding consultations with the concerned Government during the preparation process of the reports, and to assess progress in the implementation of the pertinent recommendations of the Security Council Working Group on Children and Armed Conflict;

To donors

(m) *Recalling* its previous call for support to the northern and southern Sudan disarmament, demobilization and reintegration commissions, the National Council for Child Welfare, and UNICEF and its child protection partners with adequate and timely resources required for the effective long-term reintegration of children, and to support programmes for the prevention of and response to the recruitment and use of children and other grave violations and abuses;

(n) *Urging* donors to assist the Government of the Sudan in enhancing the capacity and technical expertise of judiciary officials, military, police and medical

personnel and social workers and other relevant authorities in the Sudan to deal with the particular child protection concerns, as reported by the Secretary-General;

(o) *Also urging* donors to respond to previous calls for assistance for disarmament, demobilization and reintegration processes, in particular the reintegration and rehabilitation of former child soldiers, and calling on donors to honour their obligations and pledges made at the Oslo donor conferences of 2005 and 2008.

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Burundi

1. At its 22nd meeting, on 12 October 2009, the Working Group on Children and Armed Conflict examined the report of the Secretary-General on children and armed conflict in Burundi (S/2009/450), which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Permanent Representative of Burundi to the United Nations participated in the subsequent discussion.

2. The main elements of the exchange of views among the members of the Working Group were as follows:

(a) They welcomed the report of the Secretary-General in accordance with Security Council resolution 1612 (2005), and the analysis and recommendations contained therein met with a favourable response;

(b) They welcomed the progress made by the Government of Burundi in ensuring effective protection of children affected by armed conflict, including through the demobilization and reintegration of children associated with armed forces, improvement in the training of security forces and the adoption of legislation to better protect children;

(c) They stressed the importance of addressing impunity for crimes against children through timely investigation and prosecution of such cases;

(d) They also stressed the need to follow up on the progress made in the protection of children in Burundi.

3. The members of the Working Group welcomed the submission of the report of the Secretary-General in accordance with Security Council resolution 1612 (2005), and the recommendations contained therein met with a generally favourable response.

4. The Permanent Representative of Burundi expressed his appreciation to the Secretary-General for his report and the recommendations contained therein, and indicated that the protection of children is one of the priorities of his Government. He reaffirmed his Government's willingness to continue to cooperate with the United Nations for the well-being of children.

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Public statement by the Chairman of the Working Group

5. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005) and 1882 (2009), the Working Group agreed to address a message to all stakeholders involved in the protection of children in Burundi, in particular the Forces Nationales de Liberation (FNL) and its dissident group, through a public statement by its Chairman on behalf of the Working Group:

(a) Welcoming:

(i) The release of 340 children associated with FNL in April 2009 and of the remaining 40 children associated with the alleged FNL dissidents in the Randa and Buramata sites in June 2009;

(ii) The fact that as of August 2009 there were no further known cases of children associated with armed groups in Burundi;

(iii) The coordinated efforts by the Joint Verification Monitoring Mechanism, comprising the Office of the Facilitator of the Burundi Peace Process, the Government of Burundi, FNL, the African Union, the United Nations Integrated Office in Burundi (BINUB) Child Protection and the United Nations Children's Fund (UNICEF), that facilitated the release of all children formerly associated with armed groups;

(b) Urging them:

(i) To refrain from any re-recruitment or new recruitment or use of children and to continue to comply with Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009);

(ii) To ensure that children formerly associated with the Palipehutu-FNL are prioritized in longer-term community-based reintegration programmes, in line with the Government's endorsement of the Paris Principles and Guidelines on children associated with armed forces or armed groups.

Recommendations to the Security Council

6. The Working Group agreed to recommend that the President of the Security Council transmit letters from the Chairman of the Working Group addressed

To the Government of Burundi

(a) Welcoming:

(i) That as of August 2009 there were no further known cases of children associated with armed groups in Burundi and that the community and family reintegration of children formerly associated with armed groups has started;

(ii) The commitment of the Government of Burundi to addressing the issue of children and armed conflict, including through the ratification of relevant international instruments such as the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict;

(iii) The successful efforts undertaken by the Government of Burundi, with the assistance of BINUB, UNICEF and the Office of the United Nations High Commissioner for Human Rights in Burundi, to adopt provisions in the revised

Penal Code that strengthen the sentencing of perpetrators of sexual violence against children and mandate that the Burundi National Defence Forces stipulate a minimum age of recruitment in the army of 18 years in line with Burundi's obligations under the Optional Protocol,

(iv) The leadership demonstrated by the Government of Burundi in ensuring systematic predeployment training on child protection for peacekeeping troops, in cooperation with BINUB and the United Nations country team;

(v) The effective implementation of the Paris Principles and Guidelines, endorsed by the Government of Burundi in 2007, in the ongoing disarmament, demobilization and reintegration programmes.

(b) Expressing concern:

(i) About the fact that, despite the achievements reached by the ongoing training and sensitization of the Burundi security forces and the follow-up on cases of violations committed by their members, much more remains to be done in addressing impunity for violations and abuses committed against children;

(ii) That efforts continue to be made to ensure that all 626 children formerly associated with armed groups and other children identified as highly vulnerable are prioritized in longer-term community-based reintegration programmes consistent with the commitments of the Government of Burundi under the Paris Principles and Guidelines, and that a viable protection and prevention system is in place to reduce the vulnerability of all children to any possible new recruitment or re-recruitment;

(c) Urging it, with the support of the United Nations:

(i) To consider the protection of children in the application of transitional justice mechanisms and in all provisions of security sector reform, and also to consider the adoption of an integrated child protection system;

(ii) To make every effort to pursue and bring to justice perpetrators of all violations and abuses committed against children and provide an adequate response, while also making every effort to protect victims, witnesses and individuals reporting crimes perpetrated against children, in line with the United Nations guidelines for justice involving child victims and witnesses of crimes, in order to put an end to impunity in Burundi;

(iii) To ensure that children who are prosecuted for associations with armed groups and crimes are treated in accordance with Burundi's international obligations specific to the rights of the child, in particular with regard to the age of criminal responsibility, due process and the principle of deprivation of liberty as a measure of last resort;

(iv) To adopt and implement a comprehensive national strategy to prevent, respond to and combat sexual violence, including measures to support child victims of sexual violence with the support of the United Nations country team in accordance with resolutions 1882 (2009) and 1888 (2009);

(v) To continue to develop activities in the field of training and capacity-building for personnel in the security and justice sectors regarding the protection of children affected by armed conflict;

(vi) To establish measures to prevent the use of children in demonstrations during elections, with specific attention to the need to prevent the utilization of children formerly associated with armed groups during the conflict.

To the Secretary-General

(a) Commending the efforts undertaken by the Special Representative for Children and Armed Conflict, BINUB and UNICEF, in coordination with the Government of Burundi, to contribute actively to the protection of children and their efforts to engage with FNL, as well as the alleged dissidents of FNL, in order to put an end to child recruitment and to facilitate the release of affected children;

(b) Requesting him to urge the United Nations system to support and integrate child protection in the disarmament, demobilization and reintegration process in Burundi, and inviting him to call upon the international community to continue to allocate adequate funding for capacity-building in Burundi for disarmament, demobilization and long-term reintegration programmes for children;

(c) Requesting him to prepare a follow-up report on implementation of the conclusions of the Working Group to be issued in 2010.

Direct action by the Working Group

7. The Working Group agreed to address letters:

To the Chairman of the Peacebuilding Commission

(a) Sharing the information contained in the report of the Secretary-General and the conclusions of the Working Group, and stressing the need to assist the Government of Burundi in developing and implementing strategies:

(i) To prevent, respond to and combat sexual violence, including by taking measures to support child victims of sexual violence;

(ii) To continue to address the disarmament, demobilization and long-term reintegration of children associated with armed groups into their communities and families;

(iii) To raise awareness of and support the Government's action to pursue and bring to justice perpetrators of all violations and abuses committed against children and provide an adequate response in order to put an end to impunity in Burundi;

(iv) To continue programmes of training for police and other security forces in order to prevent violations and abuses committed against children by Burundian security forces, and to sanction, as appropriate those who commit such violations and abuses;

(v) To support the valuable work conducted by and strengthen the capacities of administration offices in charge of human rights, judicial authorities and the office of the military prosecutor, as well as local civil society organizations, in protection of the rights of the child;

(vi) To support the inclusion of children formerly associated with armed groups, as appropriate, in any future community-based peacebuilding activities, such as "youth ambassadors for peace".

To the World Bank and donors, recalling its previous call for support for strengthened and accelerated implementation of sustainable disarmament, demobilization and reintegration programmes in Burundi, in close cooperation with the Government of Burundi, together with civil society organizations and local communities, paying particular attention in this process to girls exploited by armed forces and groups, and inviting them to also support activities in the field of advocacy and training on child rights protection, including through an integrated national child protection system.